REMARKS

Reconsideration and allowance are respectfully requested.

On page 2 of the Office Action, the Examiner raises some objections regarding clarity of the claims. The antecedent basis issue is resolved by replacing the "received terminal" with the "called terminal." The phrase "or the like" is deleted. In addition, the term "characterized ing that" is replace with "wherein." Similar U.S. patent practice amendments are made in the specification. The independent claims are amended to further distinguish over the applied references with example support for those found at least by page 3, 1st paragraph and page 4, 2nd paragraph. A new terminal claim 31 is added that is supported by the originally filed terminal claim 17 but which does not use means plus function language and does not invoke 35 U.S.C. 112, sixth paragraph. New dependent claims 32-34 are added that define the session parameters as including supported codec information regarding one or more codecs supported by each terminal and multiplexing scheme information indicating how plural information streams can be multiplexed in different ways into a single bitstream to be transmitted over a physical channel established between the terminals for the session. Example support is found at page 4, lines 10-21, page 6, lines 3-7, page 6, line 25-page 7, line 10, page 8, line 3-page 9, line2. Approval and entry of the amendments are requested.

Claims 1-10, 12, 14, 17-26, and 28 stand rejected under 35 U.S.C. §102 as allegedly being anticipated by Altschuler. This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987). There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the

- 18 -

field of the invention. *Scripps Clinic & Research Found. v. Genentech Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991). Altschuler does not satisfy this rigorous standard.

Altschuler discloses a communication setup method for automatically initiating a secure call setup procedure for a local terminal and a remote terminal if the remote terminal's number or network address is included in an "approved list" 44 at the local terminal. The approved list is created manually by the user of the terminal, see column 4, lines 11-25. If a current user-identity of the remote terminal corresponds to a user-identity in the approved list, an "abbreviated" secure call setup process is performed, see abstract and steps 74 and 80 in Figure 6. This abbreviated setup process is described in Fig. 8 and columns 9-10 and omits the public key encryption steps in the full secure call setup process described in Fig. 7 and col. 9, lines 33-47. The Examiner seems to equate these encryption steps with determining the session parameters.

Claims 1, 17, and 31 are concerned with a communication between two terminals that have differentiated capabilities, which requires the determination of common session parameters depending on the specific capabilities of the two terminals for multimedia communication. Both terminals must use the common session parameters in order to execute the multimedia session and exchange multimedia content. This is a different process from Altschuler's security procedures.

The common session parameters may be for example related to codecs and multiplexing schemes that must be used by the two terminals, (see dependent claims 32-34), and therefore, they must be agreed upon before the session can begin depending on each terminal's capabilities. If such common session parameters have been stored on both terminals in a previous session, they can be retrieved and used by both terminals, and no repeated negotiation of session parameters is necessary.

In contrast, Altschuler describes automatic initiation of a secure call setup procedure, which is different from using stored session parameters to avoid the tedious process of exchanging terminal capabilities. The claim term "session parameters" relates to terminal multimedia communication capabilities and not to security provisions. The independent claims all recite "determination of common session parameters that define how information should be communicated and interpreted and which depend on multimedia communication capabilities of the calling and called terminals." Determining security provisions for a communication is not the same thing.

Altschuler also does not disclose the claim feature of determining whether any session parameters related to terminal multimedia communication capabilities for a previous session between the same terminals have been stored. Nor does Altschuler disclose the claim features of retrieving the stored session parameters and executing the requested session based on those session parameters. Another significant difference is that the claimed technology does not require the user to create an approved list or similar for call setups.

Lacking multiple features recited in the independent claims, the anticipation rejection based on Altschuler should be withdrawn. Nor would a person of ordinary skill in the art look to the security provisions in Altschuler to solve the problem of avoiding negotiation of multimedia capability session parameters for a multimedia session. Therefore, the claims are not obvious in view of Altschuler.

The Examiner relies on the Coulombe reference in combination with Altschuler to reject several dependent claims. But Coulombe does not remedy the deficiencies noted with Altschuler. Coulombe describes a very different approach than that claimed. Proxy servers not required by the claimed technology are used to receive capability and preference information

concerning user agents that want to establish a media session. A proxy server compares the capabilities of the user agents and determines whether an incompatibility exists between them. If so, the proxy server uses an adaptation server to provide the necessary adaptation required to allow the media session to proceed. Rather than the end users negotiating common session parameters that they both can support, Coulombe uses a special adaptation server to bridge differences in capability. The two approaches are quite different.

The application is in condition for allowance. An early notice to that effect is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____
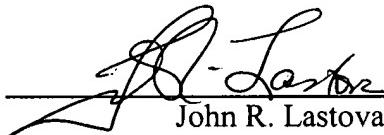
John R. Lastova
Reg. No. 33,149

JRL:maa
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

1505553